



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/398,170 09/17/99 NOTANI R 020431-0467

BAKER & BOTTS LLP
2001 ROSS AVENUE
DALLAS TX 75201-2980

TM02/0118

EXAMINER

KANOF, P

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

01/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/398,170

Applicant(s)
Notani

Examiner
Pedro R. Kanof

Group Art Unit
2765



☒ Responsive to communication(s) filed on Jul 26, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-37 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-37 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2164

DETAILED ACTION

Response to Amendments

1. This correspondence is in response to the amendments filed 9/26/00.
2. Claims 12 and 19 have been amended as specified.
3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being anticipated by Schmidt (EP 0 770 967 A2).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt (EP 0 770 967 A2)..

Claims 1, 19 and 28: The invention regarding a method of buying in a supply chain, wherein (lie contract is an option contract. Schmidt discloses the invention substantially as claimed, including a method of optimizing multi-enterprise supply chain, a buyer system, and a seller system, comprising:

Art Unit: 2164

determining at a buyer computer a range of forecasted demand for a product;
communicating from the buyer computer to a seller computer an offer to enter into an option contract for the supply of a product, the option contract including an option corresponding to the range of forecasted demand;

executing the option contract; updating at the buyer computer the forecasted demand; and
exercising the option in the option contract within the range of forecasted demand based on the updated forecasted demand (Page 3, line 25 - page 4, line 8).

Claims 2, 3, 20, 21, 29 and 30: Schmidt discloses a method of optimizing a multi-enterprise supply chain, a buyer system, and a seller system as discussed above in Claims 1, 19 and 28, wherein the option comprises a range of parameters and a plurality of range of parameters each selected from a group consisting of:

a minimum quantity of a product that the buyer is obligated to purchase, and a maximum quantity of the product that the seller is obligated to supply;

a minimum number of product types that the buyer is obligated to purchase, and

a maximum number of product types that the seller is obligated to supply; and a minimum number and a maximum number of locations where a product must be delivered Page 7, line 56 - page 8, line 3).

Claim 4: Schmidt discloses a method of optimizing ^{a multi} ~~a~~ in ~~multi~~-enterprise supply chain, a buyer system, and a seller system as discussed above in Claim 1, wherein the option contract (Continued on Supplemental Sheet.) includes an exercise period comprising a period of time after

Art Unit: 2164

the execution of the option contract during which the buyer must exercise its option (Page 12, lines 10-15).

Claim 5: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 4, wherein exercising the option comprises:

- specifying a first quantity of product desired at a first time during the exercise period;
- specifying a second quantity of product desired at a second time during the exercise period; and wherein the updated forecasted demand comprises the sum of the first and second quantities of product desired (Page 12, lines 15-18).

Claim 6: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 1, further comprising:

- receiving from the seller computer a modified range of forecasted demand comprising the range of forecasted demand modified by an optimization model at the seller computer; and
- accepting the modified range of forecasted demand as a term to the option contract (Page 12, lines 18-22).

Claim 7: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 1, further comprising:

- receiving a proposed contract term from the seller computer;
- accessing a memory comprising a range of acceptable contract terms; and
- comparing the proposed contract term to the range of acceptable contract terms (Page 21, line 25 - page 22, line 15).

Art Unit: 2164

Claim 8: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 7, further comprising:

determining that the proposed contract term is within the range of acceptable contract terms; and accepting the proposed contract term without user input (Page 23, lines 1-45).

Claim 9: Schmidt discloses a method of optimizing-a multi-enterprise supply chain as discussed above in Claim 7, further comprising:

determining that the proposed contract term is not within the range of acceptable contract terms; and identifying the proposed contract term as a term requiring user input prior to acceptance (Page 23, line 46- page 24, line 20).

Claim 10: Schmidt discloses a method of optimizing a in ulti-enterprise supply chain as discussed above in Claim 1, further comprising:

determining at the buyer computer a proposed option price comprising a value of the option to a buyer associated with the buyer computer;

communicating from the buyer computer to the seller computer the proposed option price; and negotiating with the seller computer an agreed option price based on the value of the option to the buyer and a cost of the option to a seller associated with the seller's computer (page 24, lines 21-46).

Claim 11: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 10, wherein negotiating an agreed option price comprises:

receiving from the seller computer a modified proposed range of forecasted demand

Art Unit: 2164

comprising the proposed range of forecasted demand modified by an optimization model at the seller computer;

determining a modified proposed option price based on the modified proposed range of forecasted demand; and

communicating the modified proposed option price to the seller computer (Page 24, line 47-page 25, line 3)..

Claim 12: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 1, the method comprising:

receiving at a seller computer terms of an option contract from a buyer computer, the terms comprising an option corresponding to a buyer's range of forecasted demand for a product;

communicating to the buyer computer an acceptance of the terms of the option contract;

storing the terms of the accepted option contract in a memory accessible to the seller computer;

receiving from the buyer computer a request to exercise the option with the buyer's updated forecasted demand for the product; and

enforcing the terms of the option contract at the seller computer without user input (Page 25- lines.5-42).

Claim 13: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 12, wherein the option comprises a range of parameters selected from a group consisting of:

Art Unit: 2164

a inimum quantity of a product that the buyer is obligated to purchase, and a maximum quantity of the product that the seller is obligated to supply;

a minimum number of product types that the buyer is obligated to purchase, and

a maximum number of product types that the seller is obligated to supply; and a minimum number and a maximum number of locations where a product must be delivered (Page 25, line 54- page 26, line 22).

Claim 14: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 12, wherein the option comprises a plurality of ranges of parameters each selected from a group consisting of:

a minimum quantity of a product that the buyer is obligated to purchase, and a maximum quantity of the product that the seller is obligated to supply;

a minimum number of product types that the buyer is obligated to purchase, and

a maximum number of product types that the seller is obligated to supply; and a minimum number and a maximum number of locations where a product must be delivered (Page 26, lines 23-45)..

Claim 15: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 12, wherein the option contract includes an exercise period comprising a period of time after the execution of the option contract during which the buyer must exercise its option, and wherein enforcing the terms of the option contract comprises:

Art Unit: 2164

receiving a request from the buyer computer to exercise the buyer's option comprising an identification of the buyer's exercised level of demand under the contract;

accessing the memory to retrieve the stored contract terms, including an exercise period begin date and an exercise period end date; and comparing a current date to the exercise period begin date and the exercise period end date (Page 26, line 46-page 27, line 20).

Claim 16: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 15, further comprising:

determining that the exercise period has begun and has not expired; and accepting the buyer computer's request to exercise the buyer's option (Page 27, lines 21-30).

Claim 17: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 16, wherein the buyer computer's request comprises:

an identification of a first quantity of product desired, and further comprising:

storing the request for a first quantity of product desired in the memory;

receiving a subsequent request from the buyer computer to exercise the buyer's option comprising an identification of a second quantity of product desired;

determining that the exercise period has not yet expired; and

storing the request for a second quantity of product desired in the memory (Page 27, line 31-page 28, line 14).

Claim 18: Schmidt discloses a method of optimizing a multi-enterprise supply chain as discussed above in Claim 16, further comprising:

Art Unit: 2164

comparing the buyer's exercised demand level to a minimum obligation of the buyer under the contract; and

determining a penalty if the buyer's minimum obligation level exceeds the buyer's exercised demand level after the expiration of the exercise period (Page 27, lines 16-24).

Claims 22: Schmidt discloses the invention substantially as claimed, including a method of optimizing in multi-enterprise supply chain, a buyer system, and a seller system as discussed above in Claim 19, wherein the option contract includes an exercise period comprising a period of time after the execution of the option contract during which the buyer must exercise its option, and wherein the exercise module is further operable to specify a first quantity of product desired at a first time during the exercise period and to specify a second quantity of product desired at a second time during the exercise period, the buyer's obligation under the option contract comprising the sum of the first and second quantities of product desired (Page 28, lines 35-49).

Claims 23, 33 and 34: Schmidt discloses the invention substantially as claimed, including a method of optimizing multi-enterprise supply chain, a buyer system, and a seller system as discussed above in Claims 19 and 28, wherein the negotiating module is further operable to receive a proposed contract term from the seller computer, access a memory comprising a range of acceptable contract terms, determine that the proposed contract term is within the range of acceptable contract terms, and to accept the proposed contract term without user input (Page 28, line 50-page 29, line 21).

Art Unit: 2164

Claims 24 and 35: Schmidt discloses the invention substantially as claimed, including a method of optimizing multi-enterprise supply chain, a buyer system, and a seller system as discussed above in Claims 19 and 28, wherein the negotiating module is further operable to receive a proposed contract term from the seller computer, access a memory comprising a range of acceptable contract terms, determine that the proposed contract term is not within the range of acceptable contract terms, and to identify the proposed contract term as a term requiring user input prior to acceptance (Page 29, line 29-page 30, line 7).

Claims 25 and 36: Schmidt discloses the invention substantially as claimed, including a method of optimizing multi-enterprise supply chain, a buyer system, and a seller system as discussed above in Claims 19 and 28, further comprising an aggregation module operable to compare a buyer's aggregation of parameters with a seller's aggregation of parameters, and to transform at least one of the aggregations of parameters to conform with a common aggregation of parameters (Page 30, lines 9-41).

Claims 26 and 37: Schmidt discloses the invention substantially as claimed, including a method of optimizing multi-enterprise supply chain, a buyer system, and a seller system as discussed above in Claims 19 and 28, further comprising an option price module operable to determine a proposed option price comprising a value of the option to a buyer associated with the procurement manager and to communicate the proposed option price to seller computer, and wherein the negotiation module is operable to negotiate with the seller computer an agreed option

Art Unit: 2164

price based on the value of the option to the buyer and a cost of the option to a seller associated with the seller's computer (Page 30, line 42-page 31, line 6).

Claim 27: Schmidt discloses the invention substantially as claimed, including a method of optimizing multi-enterprise supply chain, a buyer system, and a seller system as discussed above in Claim 19, further comprising a tracking module operable to store terms of the executed option contract and to track the buyer's fulfillment of its obligations under the option contract (Page 31, lines 7-16).

Claim 31: Schmidt discloses the invention substantially as claimed, including a method of optimizing multi-enterprise supply chain, a buyer system, and a seller system as discussed above in Claim 28, wherein the option contract includes an exercise period during which the buyer must exercise its option, and wherein the option contract comprises a maximum supply quantity that the seller has agreed to supply, and wherein the request to exercise the option comprises a first request for a first quantity of product desired, and wherein the tracking module is operable to store the request in the memory if a current date is within the exercise period and the first quantity is less than or equal to the maximum supply quantity (Page 31, lines 17-37).

Claim 32: Schmidt discloses the invention substantially as claimed, including a method of optimizing multi-enterprise supply chain, a buyer system, and a seller system as discussed above in Claim 31, wherein the request to exercise the option comprises a second request for a second quantity of product desired, and wherein the tracking module is operable to store the request in the memory if a current date is within the exercise period and the sum of the first and second

Art Unit: 2164

quantities is less than or equal to the maximum supply quantity (Page 31, line 39-page 32, line 54).

Response to Arguments

6. Applicant's arguments with respect to claims 7-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Pedro R. Kanof whose telephone number is (703) 308-9552. The examiner can normally be reached on weekdays from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, can be reached on (703) 308-1065. The fax phone number for this Group is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PRK-1-10-01


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100